

# **EXHIBIT G**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually And On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-8538 (RWS)

CLASS ACTION

WILLIAM BOSTON, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-8808 (RWS)

ROBERT D. THURMAN, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-9651 (RWS)

WENDY M. DAVIDSON, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-10400 (UA)

JOSHUA FERENC, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-10540 (SHS)

**DECLARATION OF THE KRISTEN-STRAXTON GROUP IN SUPPORT OF ITS  
MOTION FOR CONSOLIDATION OF ALL RELATED CASES,  
APPOINTMENT OF LEAD PLAINTIFF AND  
APPROVAL OF THE SELECTION OF LEAD COUNSEL**

I, Vincent de Cannière, sole Director of Kristen Management Limited ("Kristen") and Straxton Properties Inc. ("Straxton"), declare, under penalty of perjury under the laws of the United States of America, as follows:

1. I am the sole director and authorized signatory for Kristen and Straxton. Kristen and Straxton are investment companies with common ownership organized and existing under the laws of the British Virgin Islands. I am the sole manager of both companies, and I make the investment decisions for both companies, including the investments in E\*Trade Financial Corporation ("E\*Trade") securities. I have full

authority to act for Kristen and Straxton, including the authority to pursue possible legal claims that the companies may have.

2. I respectfully submit this Declaration in Support of the Motion filed by the Kristen-Straxton Group for consolidation, appointment as Lead Plaintiff, and approval of its selection of lead counsel, Brower Piven. The Kristen-Straxton Group is comprised of Kristen, Straxton, and Javed Fiyaz. I have a long standing personal and business relationship with Mr. Fiyaz that precedes Kristen's and Straxton's investments in E\*Trade securities at issue in the instant case.

3. I understand that if the Kristen-Straxton Group is appointed lead plaintiff, it would owe a fiduciary duty to all members of the putative class to provide fair and adequate representation and to work actively with class counsel to obtain the largest possible recovery for the proposed class of E\*Trade securities investors. The Kristen-Straxton Group is committed to vigorously prosecuting this action on behalf of itself and the class.

4. The Kristen-Straxton Group will have no difficulty overseeing and participating in this litigation. I am prepared to travel to the United States and otherwise make myself available, as necessary, to prosecute the claims in the action. Kristen and Straxton will also fully cooperate with discovery.

5. I understand that, as lead plaintiff, the Kristen-Straxton Group will be responsible for overseeing counsel. Mr. Fiyaz has selected me to lead the Kristen-Straxton Group, and act on his behalf, as well as for Kristen and Straxton, as liaison with Brower Piven to prosecute this litigation. I am prepared to do so on behalf of the Kristen-Straxton Group. I anticipate supervising counsel via telephone, email, and video

conference, as well as through face-to-face meetings. I have experience with the retention and supervision of counsel in the regular course of my business, and I foresee no difficulties in the management of counsel in this action.

6. Moreover, Mr. Fiyaz and I have discussed how we will manage the litigation together as a lead plaintiff group. While I will be responsible for the day-to-day oversight of counsel and coordination of their efforts in the prosecution of the action, my colleagues and we will regularly consult together regarding the prosecution of this matter face-to-face, by telephone and by email, and we will make any non-ministerial decisions in the case based on a consensus as to how best to proceed.

Executed this 3<sup>rd</sup> day of December, 2007



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Vincent de Cannière

as Director of Kristen Management Limited and  
as Director Straxton Properties Inc.

# **EXHIBIT H**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually And On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-8538 (RWS)

CLASS ACTION

WILLIAM BOSTON, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-8808 (RWS)

ROBERT D. THURMAN, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-9651 (RWS)

WENDY M. DAVIDSON, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-10400 (UA)

JOSHUA FERENC, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-10540 (SHS)

**DECLARATION OF JAVED FIYAZ IN SUPPORT OF THE KRISTEN -  
STRAXTON GROUP 'S MOTION FOR CONSOLIDATION OF ALL RELATED  
CASES, APPOINTMENT OF LEAD PLAINTIFF AND  
APPROVAL OF SELECTION OF LEAD COUNSEL**

I, Javed Fiyaz, declare, under penalty of perjury under the laws of the United States of America, as follows:

1. I am a businessman who, among other things, trades in securities for investment purposes.

2. I respectfully submit this Declaration in Support of the Motion filed by the Kristen-Straxton Group for consolidation, appointment as Lead Plaintiff, and approval of its selection of Lead Counsel. The Kristen-Straxton Group is comprised of Kristen Management Limited ("Kristen"), Straxton Properties Inc. ("Straxton"), and myself. I



have a long standing personal and business relationship with Mr. de Cannière that precedes my investment in E\*Trade securities at issue in the instant case.

3. I understand that if the Kristen-Straxton Group is appointed lead plaintiff, it would owe a fiduciary duty to all members of the putative class to provide fair and adequate representation and to work actively with class counsel to obtain the largest possible recovery for the proposed class of E\*Trade securities investors. The Kristen-Straxton Group is committed to vigorously prosecuting this action on behalf of itself and the class.

4. The Kristen-Straxton Group will have no difficulty overseeing and participating in this litigation. I am prepared to travel to the United States and otherwise make myself available, as necessary, to prosecute the claims in the action. Kristen and Straxton will also fully cooperate with discovery.

5. I understand that, as lead plaintiff, the Kristen-Straxton Group will be responsible for overseeing counsel. I have selected Mr. de Cannière to lead the Kristen-Straxton Group, and to act as liaison with Brower Piven, the firm we have selected as our counsel, to prosecute this litigation. Mr. de Cannière and I have discussed how we will manage the litigation together as a lead plaintiff group. While Mr. de Cannière will be responsible for the day-to-day oversight of counsel and coordination of their efforts in the prosecution of the action, Mr. de Cannière and I will regularly consult together regarding the prosecution of this matter face-to-face, by telephone and by email, and we will make any non-ministerial decisions in the case based on a consensus as to how best to proceed.

6. I also understand that part of my responsibility as a member of a lead plaintiff group is to supervise counsel. I am prepared to do so directly or through

discussions with Mr. de Cannière. I have personal experience retaining and supervising counsel in connection with my normal business affairs and, as necessary, on behalf of the Kristen-Straxton Group, I will supervise counsel via telephone, email, and video conference, as well as through face-to-face meetings.

Executed this 3<sup>rd</sup> day of December, 2007

  
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Javed Fiyaz